

104TH CONGRESS
1ST SESSION

S. 1295

To prohibit the regulation of any tobacco products, or tobacco sponsored advertising, used or purchased by the National Association of Stock Car Automobile Racing, its agents or affiliates, or any other professional motor sports association by the Secretary of Health and Human Services or any other instrumentality of the Federal Government, and for other purposes.

IN THE SENATE OF THE UNITED STATES

SEPTEMBER 29 (legislative day, SEPTEMBER 25), 1995

Mr. HELMS (for himself, Mr. FAIRCLOTH, and Mr. WARNER) introduced the following bill; which was read twice and referred to the Committee on Commerce, Science, and Transportation

A BILL

To prohibit the regulation of any tobacco products, or tobacco sponsored advertising, used or purchased by the National Association of Stock Car Automobile Racing, its agents or affiliates, or any other professional motor sports association by the Secretary of Health and Human Services or any other instrumentality of the Federal Government, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

1 **SECTION 1. PROHIBITION.**

2 The Secretary of Health and Human Services or any
3 other official or instrumentality of the Federal Govern-
4 ment—

5 (1) shall not regulate the promotion or use of
6 tobacco or tobacco products, used or purchased by
7 the National Association of Stock Car Automobile
8 Racing, its agents or affiliates, or any other profes-
9 sional motor sports association under the Federal
10 Food, Drug, and Cosmetic Act (21 U.S.C. 321 et
11 seq.);

12 (2) shall not take any action under the Federal
13 Cigarette Labeling and Advertising Act (15 U.S.C.
14 1331 et seq.), or the Comprehensive Smokeless To-
15 bacco Health Education Act of 1986 (15 U.S.C.
16 4401 et seq.), with respect to tobacco, tobacco prod-
17 ucts, or tobacco advertising used by the National As-
18 sociation of Stock Car Automobile Racing, its agents
19 or affiliates, or any other professional motor sports
20 association; and

21 (3) shall not enforce any Executive order issued
22 by the President to enforce any Federal law relating
23 to—

24 (A) the use of tobacco and tobacco prod-
25 ucts used or purchased by the National Associa-
26 tion of Stock Car Automobile Racing, its agents

1 or affiliates, or any other professional motor
2 sports association; or

3 (B) tobacco, tobacco products, or tobacco
4 advertising used by the National Association of
5 Stock Car Automobile Racing, its agents or af-
6 filiates, or any other professional motor sports
7 association.

8 **SEC. 2. CONSTRUCTION.**

9 The provisions of section 1 shall not be construed to
10 have any effect on a State law that prohibits the distribu-
11 tion of tobacco or tobacco products to individuals under
12 the age of 18.

13 **SEC. 3. PROHIBITION ON REGULATION OF TOBACCO PROD-**
14 **UCTS.**

15 Nothing in this Act or any other Act shall provide
16 the Food and Drug Administration with any authority to
17 regulate in any manner tobacco or tobacco products.

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